

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.
04-10424-DPW

TECOMET, INC.

Plaintiff

v.

JAMES ATKINSON

Defendant

ORDER

July 7, 2004

COHEN, M.J.

Pursuant to Rules 7.1(d) and (e) of the Local Rules of this Court [effective September 1, 1990], and upon review of the relevant pleadings, defendant's Motion to Consolidate Actions for Discovery Purposes (# 10) is denied.

By the terms of this motion, defendant, at first blush, seeks to consolidate discovery and pretrial proceedings in this case with discovery and pretrial proceedings in the case styled *Tecomet, Inc. v. Mikro Systems, Inc., Et Al.*, Civil Action No. 03-

10709-DPW.¹ But that first blush look is clearly illusory. And that is because, given the scheduling orders previously entered by the district judge to whom this case is assigned, all discovery has been, or should have been, completed by this date. Despite the rather benign caption of the motion, defendant in this case seeks, in reality, consolidation for the purpose of reopening discovery in Civil Action No. 03-10709-DPW.² The parties have already been granted extensions of time within which to conclude pretrial proceedings in Civil Action No. 03-10709-DPW by the district judge to whom this case is assigned, see Docket Entries for November 4 and November 18, 2003, with the latter extension being granted with the order that no further extensions shall be granted. Defendant has not shown any basis whatsoever for reopening discovery in Civil Action No. 03-10709-DPW, and he is not entitled to so indirectly by way of his Motion to Consolidate Actions for Discovery Purposes (# 10).

Defendant's Motion to Consolidate Actions for Discovery Purposes (# 10) is accordingly denied.



UNITED STATES MAGISTRATE JUDGE

¹ In his motion, defendant says that he seeks consolidation with Civil Action No. 03-10409-DPW. That same error is carried forward in plaintiff's opposition. It is clear that the 03-10409 designation is a typographical error, and that all parties meant 03-10709.

² Indeed, defendant says as much. See Motion to Consolidate Actions for Discovery Purposes (# 10), pp. 7-8.